General Services Administration
National Archives and Records Service Washington, DC 20408

August 16, 1977

Mr. Harold Weisberg
Route 12 - Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in response to your letter of July 26, 1977, addressed to Leon Ulman, with a carbon copy to Marion Johnson, in which you appeal a denial to you under the Freedom of Information Act, as amended, of an administrative record of the National Archives dated June 10, 1966. Your letter was received in this office on July 28, 1977.

We have reexamined this document in light of the Attorney General's letter of May 5, 1977. While we continue to believe that this document reflects internal deliberations and thus can be withheld under the provisions of the Freedom of Information Act, we do not believe that release of the document at this time would be "demonstrably harmful." Consequently, we are releasing the document, and a copy is enclosed.

In addition, we have taken this opportunity to review all administrative records that have been denied to you in the past, and we have determined that a number of these can be released to you at this time. Copies of these are also enclosed. We continue to deny to you a number of other documents, all of which are either communications with legal counsel, internal communications relating to counsel's advice, or drafts of letters ultimately provided to you in final form. These are withheld under exemption b(5), "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." With reference to the drafts of letters, we further believe that these may not be "records" for the purposes of the Freedom of Information Act, and as such, are deniable on that ground as well.

You have the right to file an administrative appeal concerning the material denied to you. Such an appeal should be in writing, prominently marked "Freedom of Information Appeal," and addressed to the Director of Information, General Services Administration, Washington, DC 20408.

Sincerely,

James B. Rhoads

JAMES B. RHOADS
Archivist of the United States

Enclosures